

**REMARKS**

This Amendment is in response to the Office Action mailed July 17, 2003. In the Office Action, the drawings (Figures 1, 4, 5) were objected to by the Examiner. Claim 5 was objected based on an antecedent basis concern. Claims 10 and 15 are rejected under 35 U.S.C. §112, first paragraph while claims 3, 14-15 and 20 are rejected under 35 U.S.C. §112, second paragraph. Claims 2, 5-8, 10 and 15-16 are rejected under 35 U.S.C. §102(e). Claims 3-4, 9, 11-14, and 17-24 are rejected under 35 U.S.C. §103(a). Applicants respectfully traverse the objections and rejections, most notably the rejections under 35 U.S.C. §§ 102, 103.

Herein, claims 2-5, 10, 14-15 and 20-22 have been revised and claims 24-30 have been added.

**I. DRAWINGS**

The Office Action states that Figures 1, 4 and 5 should be designated by a legend --Prior Art--. Applicants have revised Figures 4 and 5 to include a "Prior Art" legend. Substitute sheets of Figures 4 and 5 are enclosed herewith. However, Figure 1 does not constitute a prior art illustration. Instead, Figure 1 illustrates a system with an access point (AP) configured in accordance with the claimed invention.

In light of the foregoing, Applicants respectfully request that the drawing objection be withdrawn.

**II. OBJECTION TO CLAIM 5**

Claim 5 has been revised to address the antecedent basis concerns. Applicants respectfully request withdrawal of the objection.

**III. §112 (FIRST PARAGRAPH) REJECTION**

In the Office Action, claims 10 and 15 are rejected under 35 U.S.C. §112, first paragraph. These claims included the limitation "access point *internet protocol* information". Emphasis added. The claim has been revised as the access point *identifier (ID)* information as set forth in

the specification. Hence, Applicants respectfully request that the §112 (first paragraph) rejection be withdrawn.

IV. §112 (SECOND PARAGRAPH) REJECTION

In the Office Action, claims 3, 14, 15 and 20 are rejected under 35 U.S.C. §112, second paragraph. Herein, claim 14 has been revised to address an antecedent basis concerns by the Examiner. Claim 3 has been returned to its original state, with the exception that claim 3 now depends on claim 2 in lieu of claim 1 as originally filed. Claims 15 and 20 have been revised to place the IEEE 802.11 limitation into dependent claims 29 and 30, respectively.

In light of the foregoing, Applicants respectfully request that the §112 (second paragraph) rejection be withdrawn.

V. §102(e) REJECTION

Claims 2, 5-8, 10 and 15-16 are rejected under 35 U.S.C. §102(e) as being anticipated by van Bokhorst (U.S. Patent No. 6,192,230). Applicants respectfully disagree with the rejection and respectfully submit that a *prima facie* case of anticipation has not been established.

To anticipate a claim under 35 U.S.C. §102(e), van Bokhorst must describe each and every element of the claims. “A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described, in a single prior art reference.” *See Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Herein, van Bokhorst does not describe each and every limitation set forth in claims 2, 5-8, 10 and 15-16.

For instance, van Bokhorst does not describe a special DTIM beacon that comprises a traffic indicator bit, which is set to denote a transmission of a data frame *after* a DTIM beacon. Emphasis added. This limitation is set forth in independent claims 2 and 5. The Office Action states that the traffic indicator bit is equivalent to the broadcast indicator (94) or type portion (404) of van Bokhorst. This is incorrect because these bits (94, 404) are directed to indicate characteristics of the TIM message (90) and PTIM message (400), respectively. None of these

bits (94 or 404) are used to denote a forthcoming transmission of a data frame, as is recited in independent claims 2 and 5. Therefore, withdrawal of the §102(e) rejection associated with independent claims 2 and 5 is respectfully requested.

With respect to independent claims 10 and 15, van Bokhorst does not describe a modified beacon that comprises a plurality of additional information elements comprising an access point name, an access point identifier information and load balancing information. The Office Action is devoid of any discussion as to the data considered by the Examiner as being equivalent to the access point name and access point identifier information. Moreover, Applicants respectfully submit that van Bokhorst is devoid of any description of such information elements. Therefore, withdrawal of the §102(e) rejection associated with independent claims 10 and 15 is respectfully requested.

As another example, as set forth in dependent claim 6, van Bokhorst does not describe that the data frame is broadcast *immediately* after the broadcasting of the special DTIM beacon. Emphasis added. In contrast, the alleged data frame (e.g., first message portion 98/100) is not a data frame transmitted after the TIM message, but merely a portion of the TIM message (90). *See Figure 5 of van Bokhorst.* Withdrawal of the §102(e) rejection associated with dependent claim 6 is respectfully requested.

In summary, Applicants respectfully request the Examiner to withdraw the §102(e) rejection.

#### VI. §103(A) REJECTION – CLAIMS 3, 20, 22 AND 24

Claims 3, 20, 22 and 24 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van Bokhorst in view of IEEE Std. 802.11 (IEEE, August 1999). Applicants respectfully disagree with the rejection and respectfully submit that a *prima facie* case of obviousness has not been established. However, claim 3 has been revised to depend on independent claim 2. Moreover, claim 20 has been revised to include the traffic bit indicator limitation set forth in pending claim 5 and the IEEE 802.11 limitation is now set forth in

dependent claim 29. Thus, further discussion of the grounds for traversing this rejection is moot and withdraw of this outstanding §103(a) rejection.

VII. §103(A) REJECTION – CLAIMS 4, 9, 11-14, 17-19,21 AND 23

Claims 4, 9, 11-14, 17-19,21 and 23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over van Bokhorst in view of IEEE Std. 908.11 (IEEE, August 1999) and U.S. Patent No. 5,548,821 issued to Coveley. Applicants respectfully disagree with the rejection and respectfully submit that a *prima facie* case of obviousness has not been established.

First, none of the cited references, either alone or in combination, describe or even suggest inclusion of a test pattern within a data frame transmitted subsequent to the DTIM message as set forth in claims 4, 9, 21 and 23.

Second, none of the cited references, either alone or in combination, describe or even suggest inclusion of a test pattern within a modified beacon as set forth in claims 11-14 and 17-19. As stated in the specification, the test pattern enables a receiving device (e.g., wireless unit) to calculate the quality of a radio signal received. A Frame Check Sequence is merely bits added to the end of a frame for error detection, which is not a test pattern and does not suggest the incorporation of a test pattern within a modified beacon. The error detection provided by the Frame Check Sequence is a complementary feature as denoted by the inclusion of the Frame Check Sequence in the data frame as shown in Figure 7 of the subject application.

In light of the foregoing, Applicants respectfully request the Examiner to withdraw this outstanding §103(a) rejection.



**Conclusion**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/31/2003

By   
William W. Schaal  
Reg. No. 39,018  
Tel.: (714) 557-3800 (Pacific Coast)

**RECEIVED**

NOV 10 2003

Technology Center 2600

Attachments

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

I hereby certify that this correspondence is, on the date shown below, being:

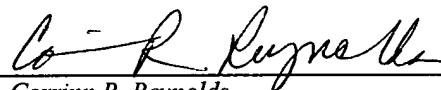
**MAILING**

**FACSIMILE**

deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, PO Box 1450,  
Alexandria, VA 22313-1450.

transmitted by facsimile to the Patent and  
Trademark Office.

Date: 10/31/2003

  
Corrinn R. Reynolds 10/31/2003  
Date